

April 10, 1963 .

Glenn E. Brockway
Regional Director
Bureau of Employment Security
U.S. Department of Labor
Room 734, 630 Sansome Street
San Francisco 11, California

Dear Mr. Brockway:

I have received your "personal invitation" to attend a program celebrating the fiftieth anniversary of the United States Department of Labor. I note that your program includes a panel discussion on problems of unemployment, and a banquet address entitled "The Dignity of Labor in a Free Society." I appreciate the invitation, Mr. Brockway, but under present circumstances, I shall not attend.

The Department of Labor was created on March 4, 1913, for the purpose of representing and advancing the interests of American workers in the same manner the Department of Agriculture is expected to promote the interests of American growers and the Department of Commerce is expected to promote the interests of other American businessmen.

I do not doubt that the Department has fulfilled this function well in many respects -- as, for example, in enforcing the Fair Labor Standards Act, on behalf of the workers who are fortunate enough to be covered by the Act. But I believe that an agency of government, like a society as a whole, may properly be judged by the way it serves, or fails to serve, those who are not fortunate, who are not strong, who are not articulate, who are not advantaged. On the basis of this test, I believe the Department -- like the larger society -- has failed, and failed badly. Your celebrations will have a hollow ring until you can speak of the "dignity of labor" for all workers. Under present circumstances, it is a mockery to apply the terms "dignity" and "freedom" to agricultural workers. And your celebrations will have a particularly hollow ring so long as the Department of Labor itself is intimately involved in a system viciously destructive of the welfare of farm workers, and is making no serious effort to extricate itself, much less to strike at the root causes of this system. I refer, of course, to the captive labor system under Public Law 78.

Permit me to cite just one of the many, many reasons I have been forced, regretfully, through seven years of personal experience, to the unhappy conclusion that the Department of Labor has abdicated its rightful responsibilities to the very workers who need protection most.

In October, 1961, some associates and I responded to an appeal from a group of Filipino-American farm workers in Santa Cruz County. These workers were engaged in the harvesting of a luxury crop, brussels sprouts. The sprout pickers felt that their wage level of \$1.00 an hour was inadequate from every point of view. The work requires considerable skill, and it is frequently performed under conditions of fog, wind, rain, and cold. \$1.00 per hour was less than was being paid in other crop-activities in the immediate area. It was less than Filipino-American farm workers were earning in other parts of the state, including even the notorious Coachella Valley.

In short, the sprout workers felt their wage level was grossly unjust. We agreed with them. And we helped them as best we could in their endeavor to band themselves together to obtain some modicum of justice. It quickly became apparent that there was only one reason sprout picking wages had remained frozen for several years. It had nothing to do with the industry's ability to pay, or any of the other rationalizations the growers employed. The wage freeze ^{was} purely and simply a function of the fact this was a bracero-dominated crop. At the 1961 peak, sixty-two percent of the sprout picking force was made up of foreign contract nationals. Braceros were certified to work at \$1.00 an hour by your Regional Office, on the grounds that Americans would not work for this wage, but that the certification of braceros at this same wage would, through some necromancy, not adversely affect the domestics.

We helped the domestic sprout workers try to substitute sense for this kind of nonsense. The great majority of the 380 domestics banded together and selected a Negotiating Committee. The growers' association, of course, refused to meet with the Negotiating Committee, or even to recognize that such a thing as a workers' organization existed or could exist. The growers assumed that they would be able to continue the harvest with braceros. They took for granted that the Department of Labor would delay its decertifications until the season was over, as it had done in the Imperial Valley the previous winter, and on so many other occasions during the history of the bracero system.

To everyone's surprise, the Department rather quickly determined that Article 22 of the international treaty actually means what it says, and ordered braceros removed from behind the picket lines of domestic workers.

And now, Mr. Brockway, the most intriguing part of the story begins. The moment the braceros were withdrawn, the sprout growers began to carry out "reasonable recruitment efforts," of the sort which your Regional Office is supposed to have required ever since the passage of the Douglas amendment to Public Law 78 in 1953. These recruitment efforts easily succeeded in locating a large number of domestics which your Regional Office had for years been certifying could not possibly be found.

The workers were in the nearby Salinas Valley, were they had been displaced by braceros; in Texas, where they had been displaced by braceros; and elsewhere. The growers proved domestics were available and that they could recruit them any time they seriously tried to do so.

Les Hubbard, a public relations agent for the Council of California Growers, was so indiscreet as to boast publicly that the sprout growers were able to get all the scabs they wanted. This statement was picked up by the press, and appeared in several of the Bay Area's leading dailies.

We pointed out Mr. Hubbard's boast, at the time, to representatives of Region X, Bureau of Employment Security, Department of Labor. And we pointed out its significance. If growers were able to find all the labor they needed, at a moment's notice in the middle of the season, for so odious a business as strikebreaking, why could they not find all the labor they needed in advance of the season, when they had ample time for planning, and when the employment they offered was free from the bad odor of scabbing?

Your representatives conceded that this was indeed a very interesting question. They promised they would "scrutinize very carefully" any future requests for braceros by brussels sprouts growers. We thought it perfectly reasonable to expect that in the 1962 season, no braceros at all would be authorized in the Santa Cruz County sprout harvest, since it had been so vividly proved that none were objectively needed in the 1961 harvest.

I followed with great interest the sequence of events during the 1962 season. In 1962, exactly the same acreage of brussels sprouts was harvested in Santa Cruz County as had been harvested in 1961: 2,800 acres. There were no changes in yield per acre, or in harvesting practices. The local Farm Placement Representative reported that 1,000 workers would again be needed, just as he had reported in 1961.

And now, Mr. Brockway, what do you suppose became of your Regional Office's promise to "scrutinize very carefully" the sprout growers' requests for braceros? In 1961, 620 braceros had been employed at the peak of the season, October 14, just before the withdrawal order was issued. Do you suppose this authorization of 620 was cut to zero, as would have been the rational course? Do you suppose that some midpoint was struck between rationality and irrationality -- with a reduction of 400, 300, or 200? Do you suppose that the Regional Office reneged on the spirit of its promise and called for only a small, token reduction of braceros? Or do you suppose that the Regional Office had the effrontery to authorize the same number of braceros in 1962 as it did in 1961?

No, Mr. Brockway. None of these. Your Regional Office decided, by whatever process it has always made such decisions, that more braceros would be "needed" in 1962 than in 1961. And since the domestics were again unorganized and voiceless, this madness was permitted to stand unchallenged.

Look in your records. You will find that on October 13, 1962, the Santa Cruz brussels sprouts industry was, with your blessing, using 650 braceros instead of 620 -- 65 percent of the work force instead of 62 percent -- precisely one year after the industry had demonstrated that it really required no braceros at all.

If you were an objective observer of the system instead of its director, Mr. Brockway, what would you think of this? Would you shrug it off as a failure of memory, a bureaucratic error which could happen to anyone?

I cannot. I cannot take lightly such "errors" when they basically damage the lives of so many innocent human beings. And this Santa Cruz experience, when placed together with an almost limitless number of other "failures" assumes a pattern which cannot be shrugged off.

I have watched for many years the spectacle of the Department of Labor conducting a program which betrays and destroys the interests of American workers more directly and conspicuously than any system since chattel slavery.

I have watched the Department of Labor testify publicly, time after time, in favor of extension of this system -- calling only for trifling "reforms," which are almost never adopted, and which, even when adopted, leave unaltered the inherently destructive character of the system.

I have watched the Regional Office sway slightly when a small wind of freedom sprang up to offer momentary challenge to the prevailing system, and then lend itself again to the system when that small breath of freedom died down.

I have watched the Regional Office, year after year, ignore evidence of maladministration, and reject constructive suggestions for mitigating the destructive effects of the anti-labor program which you administer. Indeed, I have personally witnessed attempts, originating in your Regional Office, to damage the careers and reputations of critics of this captive labor system.

Please understand, I do not mean to single out your Regional Office in particular. The Dallas office, I am sure, is pursuing the same policies. So is your national office, in Washington, D. C.

It has become apparent that the Bureau of Employment Security, of the Department of Labor, is not seriously concerned about eliminating this bizarre anti-labor system. Indeed, the Department has come to have a vested interest in the system, through several hundred bureaucratic jobs which depend entirely upon it.

You may say to me that your Regional Office, and the Department of Labor as a whole, have no choice in the matter -- that you have been given a peculiar institution to administer -- that you have to administer it whether or not it is to your personal liking -- that you cannot eliminate it no matter how you might wish to do so. In reply, I would remind you that the legislation which created this bizarre system is permissive and not mandatory legislation. I would remind you that you are under no obligation to authorize a single bracero anywhere in Region X if his presence has an adverse effect on domestics -- as his presence naturally and inevitably does. Your own Deputy Director, when he was about to move to another job and could afford to be candid, acknowledged that, of course, the presence of even one bracero has an adverse effect upon the domestic whom the grower would otherwise have had to recruit for that job. Your Deputy Director acknowledged that "everybody knows" adverse effect is "built in" as long as there are any braceros at all.

I would further remind you that at least one Regional Director has demonstrated that it isn't necessary to go on permitting adverse effect. During the first years of the system, large numbers of braceros were certified in the Pacific Northwest on precisely the same pretexts they are still being certified in California and Arizona. About five years ago, the Regional Director for the Northwest decided to take seriously those portions of the law which speak of reasonable recruitment efforts and prevention of adverse effect. When Northwestern growers found that Mr. Goldy couldn't be panicked by their foot-dragging and last minute cries of crop losses, they applied themselves to management's proper business of developing a labor force. And they found it could be done -- as it can be done anywhere growers have to be serious about it because the government agencies are serious about it.

It is no longer possible to put any credence in the Department's complaint that its hands are tied and that it has no choice but to go on administering the system in the same old way, however distasteful that may be. The last prop was knocked out from under this complaint by the events in Santa Cruz County brussels sprouts, 1961-1962. Here, by their own acts and their own spokesmen's words, the braceroholders showed that the Department's hands are not tied, that the system does not have to be administered in the same old way, that the Regional Office can vigorously enforce the law any time it cares to do so. Given this free and open choice, the San Francisco Regional Office has shown that it does not care to do so.

For such reasons as these, I shall not be with you when you celebrate the 50th anniversary of "labor's own department," on the 15th of this month. "Labor's own department," in practice, seems zealously concerned only about the interests of workers who are fortunate enough to have their interests represented already -- by themselves, acting in concert through trade unions. Domestic agricultural workers are not so fortunate, yet. When they are, perhaps the Department of Labor will become very scrupulous about safeguarding wages and working conditions -- not only from the devastating effect of the bracero system, but from the blue card and green card rackets. I am sorry that space does not permit me to go into these more recent techniques for destroying conditions in the farm labor market, and the regrettable role which the Department of Labor plays here, too.

No, Mr. Brockway, I cannot be with you on April 15. I could not sit through a three hour "educational seminar," chaired by yourself, in which learned experts will discourse on critical unemployment at the very same time you have certified that there is a critical "labor shortage" in the largest industry in your region.

It would be even more difficult to endure your dinner meeting. The Honorable James J. Reynolds, Assistant Secretary of Labor, is to deliver an address on "The Dignity of Labor in a Free Society," as I have already noted. I could not bear to listen, knowing that our free society, and the Honorable Mr. Reynolds' own department, conduct a system which systematically and deliberately strips workers of every vestige of their dignity and their freedom.

I wonder if Mr. Reynolds has visited one of his own Department's border reception centers lately. If he has, I wonder how much dignity and freedom he found there. I wonder if he has been to Empalme lately? How much dignity and freedom do you suppose he would find there? I wonder if he has been to a run-of-the-mill bracero camp lately -- let us say, just as an example, the Loduca and Perry camp near Stockton. How much dignity and freedom do you think he would find there? For that matter, Mr. Brockway, when was the last time you visited the Migratory Station at Empalme, which your Department helps to operate? How did you like the freedom and dignity you found there? When was the last time you visited the reception center at El Centro? The Loduca and Perry camp? Any bracero camp? How did you like the dignity and freedom you found?

What do you suppose it would mean for "The Dignity of Labor in a Free Society" to apply to the industry of agriculture? What do you suppose would happen if braceros were free to move from one employer to another, or one area to another? What do you suppose would happen if braceros -- or for that matter any farm workers -- were protected in their freedom to organize and bargain collectively? What do you suppose would happen if farm workers had the dignity of equal protection of the law: child labor laws, social security laws, unemployment insurance laws, wage and hour laws?

Until "labor's own department" shows serious interest in such questions, I am afraid your celebrations of how much you have done for "The Dignity of Labor in a Free Society" will ring falsely for anyone who knows what is going on in the valleys of bondage where the bracero system is hidden.

I appreciate your invitation, Mr. Brockway. I appreciate the courtesy you have shown me on the occasions we have talked together about the captive labor system. To show my appreciation, let me tell you of an anniversary celebration some of the rest of us are trying to organize.

We are going to commemorate the 100th anniversary of the Emancipation Proclamation. We shall take some comfort in the fact there was a time when a number of American citizens cared enough about freedom and dignity to fight for the abolition of captive labor. We shall take some comfort in the fact there was a time when the Executive branch of the government recognized that "A house divided against itself cannot stand," and that there could be no compromise between

two radically different...systems: the one resting on the basis of servile labor, the other on the basis of voluntary labor of free men. (This) is an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will sooner or later become either entirely a slave-holding nation or entirely a free-labor nation.

In the commemoration we propose, we shall not be content with looking backward. We shall look around us to see if there are any systems of servile labor still to be found in our society. If we find any, we shall consider it altogether fitting and proper that we dedicate ourselves to the task still remaining before us.

If we find any survivals of captive labor, we shall not be deterred by the immensity or power of the industry in which such tyranny survives. I dare say, we would hold to our belief in liberation even if our opponent proves to be as immense and powerful as -- well, just to take an unlikely example -- as immense and powerful as agriculture. We shall proceed on the assumption that agricultural workers are people, too, and entitled to certain principles of justice simply by virtue of being people, even if, for the moment, they may happen to be weak, inarticulate, and unorganized.

We have not been thinking in terms of the Fairmont Hotel for our commemorative gathering. It will more likely be a shack in Starvation Flats. That is where the domestic farm workers live in North Tracy. You know -- about a quarter of a mile from the section they call Bracero Row.

We have not been thinking in terms of \$7.00 a plate for our dinner meeting. We have been thinking more in terms of 7¢. For that amount, one can buy more than enough dried pinto beans for a meal.

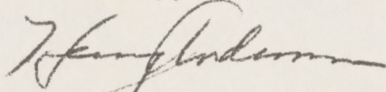
Right now, we are trying to think of a title for our dinner address, and someone to deliver it. Do you suppose anyone from the Department of Labor would like to speak on "The Indignities of Farm Labor in a Society Which Calls itself Free"?

I am sorry this letter is overly long. Perhaps I should simply have told you that I would not be with you on April 15th, and let it go at that. But I felt I owed you an explanation. Your invitation opened up a subject about which I care very much.

Perhaps one of these years, the Department of Labor will extricate itself from the alien contract labor business. Then you can have a real celebration, in which joy is unconfined by the secret knowledge that the Department of Labor itself is involved in holding back freedom and dignity from the biggest labor force in the nation. When you are in a position to celebrate the removal of this pall, I shall be delighted to join you.

I shall not be at the Fairmont Hotel on April 15th. But perhaps you can be with us at our service of requiem and rededication in Starvation Flats.

Sincerely,



Henry Anderson
1249 Francisco Street
Berkeley, Calif.

Copies: Wirtz
Henning
Reynolds
Goodwin
Proxmire
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Cohelan
Brown
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Draper
Galarza
Murray
Bennett
Hartmire
Lowe
Itliong
Nachor
Et al.

THE PRESIDENT'S COMMITTEE _____
ON THE FIFTIETH ANNIVERSARY _____
OF THE DEPARTMENT OF LABOR _____

Room 734, 630 Sansome Street
San Francisco 11, California

A PERSONAL INVITATION

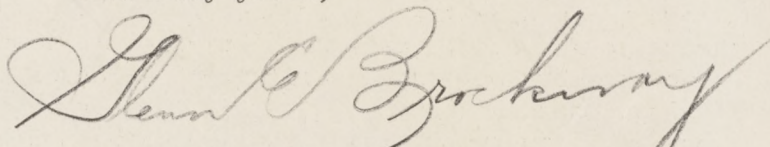
President Kennedy has designated 1963 as the United States Department of Labor's Fiftieth Anniversary Year. The Department was established March 4, 1913, and although still the smallest of major cabinet rank departments, we feel it has made a significant contribution to the solid advances in labor-management relations through the years.

In March and April, Fiftieth Anniversary dinners will be held in 19 principal cities throughout the nation. One of these celebrations will be in San Francisco. Arrangements have been made for an afternoon seminar, a social hour, and an evening dinner at the Fairmont Hotel on Monday, April 15, 1963. The cost has been established at \$7 per person. Honorable James P. Mitchell, former Secretary of Labor, will serve as our honorary chairman. Mr. Thomas Pitts of the California Labor Federation and Mr. J. Paul St. Sure, representing industry, have agreed to serve as co-chairmen. Mr. Sam Kagel is our treasurer. Honorable James J. Reynolds, Assistant Secretary of Labor, will be our principal speaker at the evening dinner, with his theme, "The Dignity of Labor in a Free Society."

We cordially invite you and your associates to join us in our 50th Anniversary Celebration. We would very much appreciate your endorsement of the observances as well as your participation.

Enclosed is a copy of the program and a return card for table reservations.

Sincerely yours,



Glenn E. Brockway, Chairman
San Francisco 50th Anniversary Committee

Enclosures

1913 ——— ☆ ——— 1963

U. S. DEPARTMENT OF LABOR

Fiftieth Anniversary Celebration

WESTERN REGION — SAN FRANCISCO

PROGRAM

(ALL EVENTS AT FAIRMONT HOTEL — SAN FRANCISCO)

APRIL 15, 1963

I. EDUCATIONAL SEMINAR—TERRACE ROOM—2:00-5:00 P.M. (No Charge)

Chairman—GLENN E. BROCKWAY, Regional Administrator, Bureau of Employment Security

THE CRISIS OF UNEMPLOYMENT

JACK T. CONWAY, Exec. Asst. to President, Industrial Union Dept., AFL-CIO, Washington, D. C.

WESTERN REGION FACTS: EMPLOYMENT AND UNEMPLOYMENT

MAX KOSSORIS, Regional Director, Bureau of Labor Statistics

PROBLEMS OF DISADVANTAGED WORKERS

ALBERT B. TIEBURG, Director, California Dept. of Employment

IMPLICATIONS OF AUTOMATION AND TECHNOLOGICAL CHANGE

WILLIAM H. SMITH, Exec. Pres., Federated Employers of Bay Area

DON VIAL, Administrative Assistant, California Labor Federation, AFL-CIO

MANPOWER DEVELOPMENT AND TRAINING PROGRAMS OF GOVERNMENT

LEONARD HARDIE, Field Director, Office of Automation, Manpower and Training

OPEN DISCUSSION

2. SOCIAL HOUR—6:00-7:00 P.M.—GRAND BALLROOM

For your enjoyment and an opportunity to get better acquainted ("No Host" arrangement)

3. DINNER MEETING—7:00-9:30 P.M.—GRAND BALLROOM

Honorary Chairman—HONORABLE JAMES P. MITCHELL, U.S. Secretary of Labor (1953-1961)

MUSIC—DINNER—INTRODUCTION OF HONORED GUESTS

ADDRESS: "THE DIGNITY OF LABOR IN A FREE SOCIETY"

HONORABLE JAMES J. REYNOLDS, Assistant Secretary of Labor, Washington, D. C.

(Note: Please mail enclosed reservation card before April 1, 1963. Banquet—\$7.00 Per Person.)